



COUNTY OF LOS ANGELES
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December 20, 2007

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. *J. Fielding*
Director and Health Officer

SUBJECT: **7th STREET PRODUCE MARKET UPDATE**

On February 6, 2007, the Board approved two motions concerning the KNBC-TV report depicting unsafe food storage practices, lax enforcement practices, and inappropriate behavior of wholesale food market operators at the 7th Street Wholesale Product Market.

Supervisor Burke's motion instructed me to 1) report back within 15 days with a specific plan to address public health problems at the wholesale produce markets, specifically the 7th Street Wholesale Produce Market, including review of such options as more frequent inspections, revise inspection criteria, and increase sanctions for violations, and 2) conduct an investigation of staff failures in the inspection of the market.

On February 21, March 23, April 27, June 5, July 16, August 10, September 21, 2007 and November 13, 2007, I provided you with detailed status reports. This is a follow-up report with particular attention to actions Public Health has taken since the last report and activities which are ongoing.

UPDATE ON ENFORCEMENT ACTIONS TO DATE:

7th Street Market

1. The addition of two restrooms and janitorial facilities is complete. All restrooms and janitorial facilities are operational, resulting in a total of three restrooms and three janitorial facilities.
2. Tenants are participating in a centralized onsite refuse collection program that includes the provision of marked garbage dumpsters and a program to collect recycled cardboard in a sanitary manner. The complex owners are continuing the process of amending and issuing new leases for all tenants to require participation in this program.

3. The complex owners are in discussion with the City of Los Angeles regarding a proposal to install an awning/canopy at the loading/staging area of the East building within the complex. The City of Los Angeles Building and Safety Department (LABSD) have approved the plans. The City's Office of Historical Preservation is now evaluating whether the market should be considered a historical site and how this would affect alternatives such as the awning. The complex owners have hired a private consultant that is on the City's Official Historical Preservation approved list. The consultant wrote a proposal that will be submitted to the Historical Committee by the end of December 2007. Until this issue is resolved, tenants will be required to store, display and stage product inside the tenants' individual stalls. The Department has begun to issue notices to that effect.
4. The complex management submitted plans on June 20, 2007 to improve the plumbing/drainage system for the entire complex, including a proposed plumbing schematic model for current and future vacant stalls. LABSD's Plan Check Program reviewed and approved those plans on June 28, 2007. The complex owners are still waiting for final approval of the plans from LABSD. The approval process is delayed until the historical significance of the Market is addressed.

Other Wholesale Produce Complexes

While all wholesale produce market complexes have been inspected, the City/9th Street Market required a long-term compliance plan. A 90-day improvement plan has been developed for the City/9th Street Market. A meeting was held on November 28, 2007 with the owner of the market, Peter Fleming, to discuss the overall conditions of the market and the need to correct long-standing structural and equipment deficiencies. A follow-up meeting was held with Mr. Fleming on Wednesday, December 5, 2007 at which time he was given a draft 90-day Produce Market Complex Improvement Plan letter. The detail of the plan was also discussed with Mr. Fleming. The final letter will be presented to him by the end of December 2007.

Inspectors continue to inspect and monitor all wholesale markets including the 7th Street Market complex. The condition of the 7th Street Market has remained stable in that: 1) no produce is being dumped on the ground; 2) no food products are stored near garbage or trash.

The wholesale produce market inventory has increased to 336 active sites. Since February 2007, all 336 active wholesale food markets located in complexes or as stand alone sites have been inspected. The cumulative statistical inspection count for the wholesale produce markets is as follows: 577 routine inspections; 756 follow-up compliance inspections; 128 complaint inspections; 131 closures; 170 office hearings; and 4 permit revocations.

FIELD MONITORING:

The Chief of the Food & Milk Program, along with the lead staff member, continue to monitor the inspection of staff paperwork for accuracy, completeness and frequencies. Staff continue to conduct inspections at staggered times to ascertain compliance with County Codes during the produce market's hours of operation. During the month of November, early morning inspections were conducted on six occasions. On Wednesday, December 5, 2007, the Director of the Food Inspection Bureau visited the market complex and confirmed that conditions observed were consistent with those described in this report.

LEGAL ACTIONS:

Nine court cases were filed and as of December 6, 2007, six of the cases were adjudicated resulting in fines and penalty assessments, one case was dismissed, and two cases are still pending, including the litigation against the wholesale complex owners. The case against the complex owners was continued until January 10, 2008 and the case against Jalisco Fresh Produce, Inc. was continued to December 29, 2007.

As stated in the previous update, a walk-through inspection of the 7th Street Produce Market by City Attorney David Shepherd, Food and Milk Program Supervision and staff was conducted on October 24, 2007. The purpose of this visit was to evaluate the level of compliance, progress and improvements prior to the next court date. It was determined that the overall operation and conditions at the market have improved considerably.

If you have any questions or need additional information, please let me know.

JEF:tp
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c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors